

Exhibit "C"

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

KYLE BENGTSON,

PLAINTIFF,

V.

3:06-CV-00569-MEF

**DAVID BAZEMORE, O.D., and
WALMART, INC.,**

DEFENDANTS.

AFFIDAVIT OF PHIL C. ALABATA, D.O.

This affidavit is based on my personal knowledge as a treating physician of Kyle Bengtson. I am a board certified ophthalmologist practicing ophthalmology in the State of Florida. I am a graduate of Florida State University and earned my doctorate in osteopathic medicine from Kirksville College of Osteopathic Medicine, in Kirksville, Missouri. I am a member of the American Academy of Ophthalmology, American Academy of Cataract and Refractive Surgery, and Society of Military Ophthalmologists. I completed a Glaucoma Fellowship Program at Emory University School of Medicine in Atlanta, Georgia.

I have reviewed my medical chart, records and notes for Kyle Bengtson, Walmart optometry's August 20, 2004, optometry exam notes for Kyle Bengtson, Dr. Reid Cooper, M.D.'s February 18, 2005 and February 25, 2005, medical chart notes for Kyle Bengtson, and Dr. Gregory J. Sepanski's chart, records and notes for Kyle Bengtson. It is my professional opinion that Kyle Bengtson was probably suffering from intermittent angle closure glaucoma at the time of his August 20, 2004, optometry exam.

Further Affiant sayeth not.


Phil Alabata, D.O.

Sworn to and subscribed before me by Phil Alabata on the 16th day of August, 2007.

BONNIE L. GIBSON
NOTARY PUBLIC - STATE OF FLORIDA
 Commission No. DD684663
 My Comm. Expires July 10, 2016

Bonnie L Nelson
Notary Public
My Commission Expires: July 10, 2011